

## **REMARKS**

### **Claim Rejections**

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bucher et al. (US 5,302,083) in view of Laurel (US 4,402,649), Lee et al. (US Pub. 2003/0095902) and Eisenhardt, Jr. (US 4,422,824).

### **Drawings**

It is noted that the Examiner has accepted the drawings as filed August 24, 2006.

### **Claim Amendments**

By this Amendment, Applicant has amended claim 2 of this application. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The primary reference to Bucher et al. teaches light housings (12, 14), an annular ring (16) located between the housings and connect together by fasteners (78), and a neon tube (18). Bucher et al. states, column 4, line 63 through column 5, line 4:

The center ring further includes an interior portion 86 which extends significantly into the interior of the light housing 12 and 14. Preferably, the interior portion 86 of the center ring 16 extends sufficiently inward to be approximately equal to the diameter of the neon tube 18 such that the neon tube 18 is captured between the interior portion 86, the curvature of the lower housing 14, and the threaded fasteners 78, thereby securely retaining the neon tube 18 into position.

Bucher et al. do not teach a driver located on a top of the upper cover and actuating a cold cathode ray light tube; a plurality of protruding pieces protruding inwardly toward the motor; each of the plurality of protruding pieces having a protruding piece screw hole; a plurality of hook rings; one of the plurality of screws

is inserted through the protruding piece screw hole of each of the plurality of protruding pieces connecting one of the plurality of hook rings to each of the plurality of protruding pieces; nor do Bucher et al. teach the upper cover and the lower cover are made of a material providing protection from ultraviolet rays.

The secondary reference to Laurel teaches a ceiling fan and is cited for teaching a canopy (16).

Laurel does not teach a driver located on a top of the upper cover and actuating a cold cathode ray light tube; a plurality of protruding pieces protruding inwardly toward the motor; each of the plurality of protruding pieces having a protruding piece screw hole; a plurality of hook rings; one of the plurality of screws is inserted through the protruding piece screw hole of each of the plurality of protruding pieces connecting one of the plurality of hook rings to each of the plurality of protruding pieces; nor does Laurel teach the upper cover and the lower cover are made of a material providing protection from ultraviolet rays.

The secondary reference to Lee et al. teaches a photocatalytic electric fan and is cited for teaching a photocatalytic lamp tube (40).

Lee et al. do not teach a driver located on a top of the upper cover and actuating a cold cathode ray light tube; a plurality of protruding pieces protruding inwardly toward the motor; each of the plurality of protruding pieces having a protruding piece screw hole; a plurality of hook rings; one of the plurality of screws is inserted through the protruding piece screw hole of each of the plurality of protruding pieces connecting one of the plurality of hook rings to each of the plurality of protruding pieces; nor do Lee et al. teach the upper cover and the lower cover are made of a material providing protection from ultraviolet rays.

The secondary reference to Eisenhardt, Jr. teaches a germicidal ceiling fan blade and is cited for teaching baffles located in an interior of a hollow fan blade to prevent ultraviolet germicidal light from casting out of the fan blade.

Eisenhardt, Jr. does not teach a driver located on a top of the upper cover and actuating a cold cathode ray light tube; a plurality of protruding pieces protruding inwardly toward the motor; each of the plurality of protruding pieces having a protruding piece screw hole; a plurality of hook rings; one of the plurality of screws is inserted through the protruding piece screw hole of each of the plurality

of protruding pieces connecting one of the plurality of hook rings to each of the plurality of protruding pieces; nor does Eisenhardt, Jr. teach the upper cover and the lower cover are made of a material providing protection from ultraviolet rays.

Even if the teachings of Bucher et al., Laurel, Lee et al., and Eisenhardt, Jr. were combined, as suggested by the Examiner, the resultant combination does not suggest: a driver located on a top of the upper cover and actuating a cold cathode ray light tube; a plurality of protruding pieces protruding inwardly toward the motor; each of the plurality of protruding pieces having a protruding piece screw hole; a plurality of hook rings; one of the plurality of screws is inserted through the protruding piece screw hole of each of the plurality of protruding pieces connecting one of the plurality of hook rings to each of the plurality of protruding pieces; nor does the combination suggest the upper cover and the lower cover are made of a material providing protection from ultraviolet rays.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Bucher et al., Laurel, Lee et al., or Eisenhardt, Jr. that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Bucher et al., Laurel, Lee et al., nor Eisenhardt, Jr. disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant

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hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's amended claims.

**Summary**

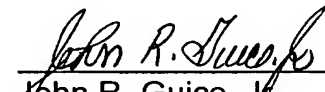
In view of the foregoing, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should the Examiner not be of the opinion that this case is in condition for allowance, it is requested that this amendment be entered for the purposes of appeal.

Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: February 12, 2007

By:

  
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John R. Guice, Jr.  
Reg. No. 39,699

TROXELL LAW OFFICE PLLC  
5205 Leesburg Pike, Suite 1404  
Falls Church, Virginia 22041  
Telephone: 703 575-2711  
Telefax: 703 575-2707

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